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Yard Communities for Environmental Justice,
People's Collective for Environmental Justice,
and Sierra Club*

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

ASSOCIATION OF AMERICAN
RAILROADS and AMERICAN SHORT
LINE AND REGIONAL RAILROAD
ASSOCIATION,

Plaintiffs,

v.

LIANE M. RANDOLPH, in her official
capacity as Chair of the California Air
Resources Board; STEVEN S. CLIFF, in
his official capacity as Executive Officer of
the California Air Resources Board; and
ROB BONTA, in his official capacity as
Attorney General of the State of California,

Defendants,

and

EAST YARD COMMUNITIES FOR
ENVIRONMENTAL JUSTICE, PEOPLE'S
COLLECTIVE FOR ENVIRONMENTAL
JUSTICE, and SIERRA CLUB,

Defendant-Intervenors.

Civ. No. 2:23-cv-01154-DJC-JDP

**DECLARATION OF BERNARD ROBERT
DE LA GARZA IN SUPPORT OF
DEFENDANT-INTERVENORS'
OPPOSITION TO PLAINTIFFS' MOTION
FOR SUMMARY JUDGMENT**

Date: April 25, 2024
Time: 1:30 PM
Courtroom: 10
Judge: Hon. Daniel J. Calabretta

DECLARATION OF BERNARD ROBERT DE LA GARZA

I, Bernard Robert De La Garza, hereby declare and state as follows:

1. This declaration is based on my personal knowledge. If called to testify as a witness, I could and would testify competently to the contents hereof.

2. I am over the age of eighteen (18) and suffer no legal incapacity.

3. I am twenty-seven (27) years old.

4. I am a member in good standing of the Sierra Club. I have been a member of Sierra Club since 2018.

5. I joined the Sierra Club to work on issues advocating for air pollution regulations, including regulations related to cleaning up rail and warehouse pollution.

6. I have lived my entire life in San Bernardino, which is located in the Inland Empire in Southern California.

7. I currently live a few yards from a rail line and a few miles from the Burlington Northern Santa Fe (BNSF) San Bernardino railyard. I used to live right across the street from a rail line and very close to that same railyard.

8. I live with many family members, including my 1-year old daughter.

9. Every day, I am confronted with the realities of air pollution from the railroad industry.

10. I generally lose count of the number of freight trains I see in my community. But, I suspect I see or hear around 35 trains a day.

11. I love to walk in my neighborhood with my daughter. If I could, I would walk with my daughter any time I want. But, that is not my reality living near such an intensive rail and logistics center.

12. I am forced to walk with my daughter early in the morning at 6:00am or 7:00 am because the air pollution is too great later in the morning and throughout the day. I believe trains contribute greatly to this harmful air that prevents me from walking most of the day.

1 13. Many times when I am walking during the day, I have an intense cough
2 and other build up in my throat. It forces me to go back to my house and drink water.

3 14. When I walk in the morning, I see idling trains in my community.

4 15. When I walk in the evening, I see trucks from BNSF all over my
5 neighborhood. These trucks have bright lights on the roof. In addition, I constantly hear
6 the trains screeching. My neighbors and I have developed anxiety as a result of the
7 bright lights and the loud screeches of the trains.

8 16. I think about air pollution every day. I think about the impacts of pollution
9 on me, my daughter, my family and my neighbors. The rail pollution on top of all the
10 other pollution in my community intensifies these concerns because I understand the
11 harms these locomotives are causing.

12 17. The summers are particularly bad for air pollution. It hurts to breathe
13 outside.

14 18. The harms the rail industry imposes on me, my family and my community
15 causes me significant mental distress.

16 19. I worry about this air pollution every single day. I cannot escape the
17 locomotive pollution because I live so close to the rail tracks. I used to think it was
18 normal to always think about the poor air quality, but now I know that most people do not
19 think about air pollution every day.

20 20. I was aware of the California Air Resources Board In-Use Locomotive
21 regulation. I shared information about the regulation to my friends and family. I strongly
22 support efforts to force this industry to clean up its harmful pollution.

23 21. Most importantly, CARB's In-Use Locomotive regulation will provide a
24 benefit to my 1-year old daughter. The rail industry dictates my schedule because they
25 pollute my community with impunity. We need our air pollution control agencies to
26 protect us from these corporations that place profit over our health.

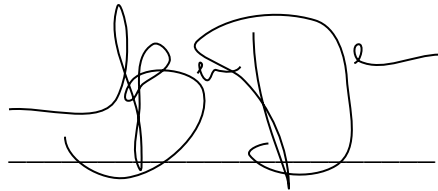
27 22. Without this regulation, my family, my neighbors and my community will
28 continue to suffer from elevated rail pollution levels.

1 23. I am deeply concerned about the health of my daughter. As her lungs are
2 developing, it is on me as her parent to protect her. Protecting her entails supporting
3 regulations to address the harms this industry imposes on me and my family.

4 24. As such, I strongly support the efforts of the Sierra Club to participate in
5 this lawsuit to assert their rights to clean air by defending the CARB In-Use Locomotive
6 regulation.

7 I declare under penalty of perjury that the foregoing is true and correct.

8 Executed this 7th day of December, 2023.

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12 BERNARD ROBERT DE LA GARZA
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